

National Court Reporters Association
Code of Professional Ethics & General Guidelines for Professional Practice
Preamble

The Committee on Professional Responsibility (COPR) was established in 1985 as the successor to the Committee on Ethics. In 1979, COPR presented its recommendations to the convention in the form of the Code of Professional Responsibility, Enforcement and Disciplinary Procedures, and Professional Practice Objectives, which were adopted by the convention. The President charged COPR in 1985 to review the Code and to evaluate its various sections. Following that charge, COPR revised the Code for brevity and clarity, and the Code was changed to Code of Professional Conduct. In addition, COPR established Mediation Procedures for the Membership in an effort to resolve amicably matters in dispute arising out of the Code of Professional Conduct, and changed the title of the Enforcement and Disciplinary Procedures to Complaint Procedures. In 1992, the President charged COPR again with the review and updating of the Code and the Standards of Professional Practice. As a result, COPR recommended (1) certain revisions to, and the retitling of, the Code as the Code of Professional Ethics; (2) certain revisions to the Complaint Procedures; (3) the corresponding change of COPR's name to the Committee on Professional Ethics (COPE); (4) the change of the title of the Standards of Professional Practice to the Guidelines for Professional Practice; and (5) the separate publication of the mediation procedures and transcript format guidelines from the Code, the Guidelines and the Complaint and Advisory Opinion Procedures. Although the mediation procedures and transcript format guidelines are still in effect, COPR believed that separate publication serves to streamline and direct proper focus to the Code, the Guidelines, and the Complaint and Advisory Opinion Procedures. From 1994 to 2001, the Committee on Professional Ethics (COPE) recommended additional changes to the Code, including expanding the Guidelines for Professional Practice, Sections I, II and III. In 1999, the Board charged the CART (Communication Access Realtime Translation) Task Force with the duty of creating ethical guidelines for that sector of the profession and COPE to review those guidelines before acceptance by the Board. As a result of that review, Section I now covers the General Guidelines for the reporter making the official record; Section II covers the Guidelines for the Realtime Reporter in Legal Proceedings; Section III covers the Guidelines for the CART Provider in a Legal Setting; and Section IV covers the Guidelines for the CART Provider in a Nonlegal Setting. In addition, during this time period, changes were made to the Complaint Procedures, Advisory Opinion Procedures, and Transcript Format Guidelines.

The mandatory Code of Professional Ethics defines the ethical relationship the public, the bench, and the bar have a right to expect from a Member. The Code sets out the conduct of the Member when dealing with the user of reporting services and acquaints the user, as well as the Member, with guidelines established for professional behavior. The Guidelines for Professional Practice, on the other hand, are goals toward which every Member should strive. Members are urged to comply with the Guidelines and must adhere to local, state and federal rules and statutes. It should be noted that these guidelines do not exhaust the moral and ethical considerations with which the Member should conform, but provide the framework for the practice of reporting. Not every situation a Member may encounter can be foreseen, but fundamental ethical principles are always present. By complying with the Code of Professional Ethics and Guidelines for Professional Practice, Members maintain their profession at the highest level.

National Court Reporters Association
Code of Professional Ethics

A Member Shall:

1. Be fair and impartial toward each participant in all aspects of reported proceedings, and always offer to provide comparable services to all parties in a proceeding.
2. Be alert to situations that are conflicts of interest or that may give the appearance of a conflict of interest. If a conflict or a potential conflict arises, the Member shall disclose that conflict or potential conflict.
3. Guard against not only the fact but the appearance of impropriety.
4. Preserve the confidentiality and ensure the security of information, oral or written, entrusted to the Member by any of the parties in a proceeding.
5. Be truthful and accurate when making public statements or when advertising the Member's qualifications or the services provided.
6. Refrain, as an official reporter, from freelance reporting activities that interfere with official duties and obligations.
7. Determine fees independently, except when established by statute or court order, entering into no unlawful agreements with other reporters on the fees to any user.
8. Refrain from giving, directly or indirectly, any gift, incentive, reward or anything of value to attorneys, clients, witnesses, insurance companies or any other persons or entities associated with the litigation, or to the representatives or agents of any of the foregoing, except for (1) items that do not exceed \$100 in the aggregate per recipient each year, or, (2) pro bono services as defined by the NCRA Guidelines for Professional Practice or by applicable state and local laws, rules and regulations.
9. Maintain the integrity of the reporting profession.
10. Abide by the NCRA Constitution and Bylaws.

National Court Reporters Association
General Guidelines for Professional Practice

Section III - Communication Access Realtime Translation (CART) Provider in a Legal Setting

A Communication Access Realtime Translation (CART) provider in a legal setting performs realtime translation as an aid to communication for people who are deaf or hearing-impaired. Common sense and professional courtesy should guide the Member in applying the following Guidelines. When CART is provided in a trial or deposition setting, special legal requirements may apply. When providing CART in the nonlegal setting, follow the guidelines set out in Section IV.

In providing CART service, a Member should:

- A. Accept assignments using discretion with regard to skill, setting, and the consumers involved, and accurately represent the provider's qualifications for CART.
- B. Establish a clear understanding of:
 - 1. who is hiring the CART Provider;
 - 2. the role played by the CART Provider in assisting with communication as opposed to the role of the Official Reporter of Proceedings in providing a verbatim record;
 - 3. the fact that no roughly edited electronic file is to be produced; and
 - 4. the need to preserve the unedited text file with disclaimer in accordance with statute or court order, or for a period of no less than five years.
- C. Refrain from working in the dual capacity of Official Reporter of Proceedings and CART Provider at the same time. When no other option exists, the role to be performed is that of the Official Reporter of Proceedings, and all present are entitled to read the display screen of the Official Reporter, which does not include the content and spirit of the speaker, as well as environmental sounds, that would normally be provided by the CART provider. Disclosure must be made to the court and all parties, including the person requiring interpretive services, of this limitation.
- D. Acquire, when possible, information or materials in advance to prepare a job dictionary.
- E. Know the software and hardware system used and be able to do simple troubleshooting.
- F. Strive to achieve, as nearly verbatim as possible, 100% accuracy at all times.
- G. Include in the realtime display the identification, content, and spirit of the speaker, as well as environmental sounds (except under circumstances described in C above).
- H. Refrain from counseling, advising, or interjecting personal opinions except as required to accomplish the task at hand.
- I. In a confidential setting (i.e., legal discussions, jury deliberations, attorney/client discussions), delete all files immediately after the assignment unless otherwise requested to do so, or ordered by the Court.
- J. Cooperate with all parties to ensure that effective communication is taking place.
- K. Preserve the privacy of a consumer's personal information.

- L. Familiarize oneself with the provisions of NCRA's "The CART Provider's Manual," these Guidelines, the General Guidelines for Professional Practice, and any updates thereto.
- M. Keep abreast of current trends, laws, literature, and technological advances relating to CART.

Section IV - Communication Access Realtime Translation (CART) Provider in a Nonlegal Setting

A Communication Access Realtime Translation (CART) provider in a nonlegal setting performs realtime translation as an aid to communication for people who are deaf or hearing-impaired. Common sense and professional courtesy should guide the Member in applying the following Guidelines. When providing CART in the legal setting, follow the guidelines set out in Section III.

In providing CART service, a Member should:

- A. Accept assignments using discretion with regard to skill, setting, and the consumers involved, and accurately represent the provider's qualifications for CART.
- B. Establish a clear understanding of:
 - 1. who is hiring the CART Provider;
 - 2. whether an electronic file of the roughly edited text with disclaimer is to be preserved;
 - 3. if yes, whether all participants have been informed that an electronic file of the roughly edited text with disclaimer will be preserved; and
 - 4. who is entitled to receive a copy of the electronic file.
- C. Acquire, when possible, information or materials in advance to prepare a job dictionary.
- D. Know the software and hardware system used and be able to do simple troubleshooting.
- E. Strive to achieve, as nearly verbatim as possible, 100% accuracy at all times.
- F. Include in the realtime display the identification, content, and spirit of the speaker, as well as environmental sounds.
- G. Refrain from counseling, advising, or interjecting personal opinions except as required to accomplish the task at hand.
- H. Cooperate with all parties to ensure that effective communication is taking place.
- I. In confidential nonlegal settings (i.e., medical discussions, support groups), delete all files immediately after the assignment unless otherwise requested not to do so.
- J. Preserve the privacy of a consumer's personal information.
- K. Familiarize oneself with the provisions of NCRA's "The CART Provider's Manual," these Guidelines, and any updates thereto.
- L. Keep abreast of current trends, laws, literature, and technological advances relating to CART.